

REMARKS

By this amendment, claims 47 and 61 have been amended. Claims 76-84 have been added. Claims 1-29, 31, 32 and 40-46 were previously cancelled. No new matter has been added.

Claims 30, 33-39 and 47-84 are currently pending in the application. Reconsideration and allowance of all of the claims is respectfully requested in view of the following remarks.

In regard to Rejections of Claims 47-60 Under 35 U.S.C. § 102

The Examiner has rejected claims 47-60 under 35 U.S.C. § 102(b) as being anticipated by Jaeger, U.S. Patent No. 5,394,846. The Examiner has further rejected claims 47-60 under 35 U.S.C. § 102(e) as being anticipated by Sharpton, U.S. Patent No. 6,647,956. The Examiner has further rejected claims 47-60 under 35 U.S.C. § 102(b) as being anticipated by Carlson, U.S. Patent No. 4,337,742. The Applicant believes that the rejections have been addressed and overcome by the present amendments.

In response to the Examiner's remarks, the Applicants have amended claims 47-60.

The Examiner's attention is directed to the following feature of claim 47 as amended:

a second inlet [...] having an opening into the chamber facing
the throttle valve when the throttle valve is closed

The Applicants submit that the above feature of claim 47 as amended is not taught by Jaeger. Referring to Figures 2 and 4 of Jaeger, it is apparent that the notched area 50 of Jaeger does not face the throttle valve when the throttle valve is closed.

The Applicants further submit that the above feature of claim 47 as amended is not taught by Sharpton. Referring to Figures 5 and 6 of Sharpton, it is apparent that the outlet 34 of Sharpton does not face the throttle valve when the throttle valve is closed.

The Applicants submit that the above feature of claim 47 as amended is not taught by Carlson. Referring to Figure 2 of Carlson, it is apparent that the bypass passage 19 of Carlson does not face the throttle valve when the throttle valve is closed.

Therefore, neither Jaeger, Sharpton nor Carlson teach all of the features of claim 47 as amended. As such, the Examiner is requested to withdraw his rejections of claim 47, and claims 48-61 depending therefrom.

In regard to Rejections of Claims 61-75 Under 35 U.S.C. § 102

The Examiner has rejected claims 61-75 under 35 U.S.C. § 102(b) as being anticipated by Jaeger, U.S. Patent No. 5,394,846. The Examiner has further rejected claims 61-75 under 35 U.S.C. § 102(e) as being anticipated by Sharpton, U.S. Patent No. 6,647,956. The Examiner has further rejected claims 61-75 under 35 U.S.C. § 102(b) as being anticipated by Carlson, U.S. Patent No. 4,337,742. The Applicant believes that the rejections have been addressed and overcome by the present amendments.

In response to the Examiner's remarks, the Applicants have amended claim 61.

The Examiner's attention is directed to the following feature of claim 61 as amended:

The second throttle body inlet having an opening to an ambient environment facing towards the engine body and in fluid communication with the chamber;

The Applicants submit that the above feature of claim 61 as amended is not taught by Jaeger. Referring to the rejection, "Jaeger et al teaches an air intake assembly for an engine having ... a second inlet (43) ..."'

Referring to lines 63-66 of column 2 of Jaeger,

Body 1 includes an outer face 2 which faces outwardly and is exposed to the atmosphere, and an inner face 3 which is adapted to be secured to the plenum of the engine.

Referring to Figure 2 of Jaeger, it is apparent that the opening to the ambient environment of the air inlet tube 43 of Jaeger faces outward from the atmospheric face 2 of the body 1, and as such faces away from the inner face 3, and away from the engine. Therefore, regardless of whether the air inlet tube 43 of Jaeger can be considered a second throttle body inlet, it cannot be considered a throttle body inlet having an opening to an ambient environment facing towards the engine body.

The Applicants further submit that the above feature of claim 61 as amended is not taught by Sharpton. Referring to the rejection, “Sharpton (see Fig. 6) teaches an air intake assembly for an engine having ... a second inlet 31 ...”

Referring to Figure 5 of Sharpton, it is apparent that the inlet 31 has an opening to the first region 21 and not to an ambient environment. In addition, it is apparent that the inlet 31 of Sharpton faces transversely across the first region 21 and therefore does not face the engine body. Referring to Figure 6 of Sharpton, Sharpton teaches an inlet 31 facing in the direction from the second region 22 to the first region 21. Referring to lines 66-3 of columns 4-5 of Sharpton:

The inlet 31 is connected in fluid communication with the first region 21 on a first side, or upstream, of the throttle plate 12. The outlet 34 is connected in fluid communication with the second region 22, or downstream, of the throttle plate 12.

It is apparent that the inlet 31 faces in a direction away from the downstream end of the throttle body 10 of Sharpton, and therefore faces away from the engine body. There is no teaching in Sharpton to orient the throttle body 10 such that the inlet 31 faces toward the engine body. Therefore, regardless of whether the inlet 31 of Sharpton can be considered a second throttle body inlet, it cannot be considered a throttle body inlet having an opening to an ambient environment facing towards the engine body.

The Applicants further submit that the above feature of claim 61 as amended is not taught by Carlson. Referring to Figures 1 and 2 of Carlson, it is apparent that the idle air bypass passage 19 of Carlson faces in a direction away from the downstream end of the main induction passage 17, and therefore faces away from the engine body. Therefore, regardless of whether the idle bypass air passage 19 of Carlson can be considered a second throttle body inlet, it cannot be considered a throttle body inlet having an opening to an ambient environment facing towards the engine body.

Therefore, neither Jaeger, Sharpton nor Carlson teach all of the features of claim 61 as amended. As such, the Examiner is requested to withdraw his rejections of claim 61, and claims 62-75 depending therefrom.

Additional Remarks

By the present amendment, claims 76-85 have been added. These claims are believed to be allowable as they recite features not shown in the prior art.

In view of the above amendments and remarks, the Applicants respectfully submit that all of the currently pending claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in a better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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